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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/670,276

09/26/2003

Gueorgui Bonov Chkodrov

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47973 7590 02/24/2009
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EXAMINER

CHANNAVAJALA, SRIRAMA T

ART UNIT

PAPER NUMBER

2166

MAIL DATE

DELIVERY MODE

02/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GUEORGUI BONOV CHKODROV,
RICHARD ZACHARY JASON,
AND ERIC ANTHONY REEL

Application No. 10/670,276
Technology Center 2166

Mailed: February 24, 2009

Before DELROES LOWE, *Review Team Paralegal*
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 16, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

APPEAL BRIEF, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection of the claims as provided in the Appeal Brief filed April 21, 2008 under the heading “Grounds of rejection to be reviewed on appeal” is unclear and/or is not consistent with the grounds of rejection of claims of record. The grounds of rejection of the claims as provided in the Appeal Brief must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified.

A review of the last Office action, including any mailed Advisory Action(s) finds that claims **20-22, 42-44, and 46** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellow (U.S. Patent 6,477,525) in view of Nakano et al. (US Pub. No. 2003/0217075) further in view of Colossi et al. (US Pub. No. 20040139061); whereas Appellants have not indicated the grounds of rejection of these claims. Correction of the Grounds of rejection to be reviewed on appeal for all claims is required.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Supplemental Appeal Brief was filed in this application on May 13, 2008. There is no evidence on the record indicating that the Examiner has considered the Supplemental Appeal Brief.

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to hold the Appeal Brief filed on April 21, 2008 defective;
- 2) notify Appellants to file a paper properly addressing the Grounds of rejection of all claims;
- 3) consider the Supplemental Appeal Brief filed May 13, 2008 as indicated above; and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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